

Notice of Allowability

Application No.

09/662,695

Applicant(s)

OSHIMA ET AL.

Examiner

Art Unit

Dac V. Ha

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 12/21/04.
2. ☒ The allowed claim(s) is/are 16-19, renumbered as 13-16, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jeffrey R. Filipek (Reg. No. 41,471) on 03/07/07.

The application has been amended as follows:

In the specification, replace the first paragraph with –

This is a reissue application of U.S. Patent No. 5,600,672, issued February 4, 1997, and a divisional application of reissue application No. 09/244,037, filed February 4, 1999, which is also a reissue application of U.S. Patent No. 5,600,672, issued February 4, 1997 which is a Continuation-In-Part of application Serial Number 07/857,627, filed March 25, 1992 now abandoned. Further reissue divisional applications have been filed, all of which are reissues of Patent No. 5,600,672. These further applications are: 09/677,421, filed October 5, 2000; 09/678,014, filed October 5, 2000; 09/677,420, filed October 5, 2000; 09/680,177, filed October 5, 2000; 09/680,176, filed October 5, 2000; 09/686,467, filed October 12, 2000; 09/686,463, filed October 12, 2000; 09/686,466, filed October 12, 2000; 09/688,028, filed October 12, 2000; 09/686,464, filed October 12, 2000; 09/686,465, filed October 12, 2000; 09/666,012, filed September 19, 2000; 09/667,525, filed September 21, 2000; 09/667,438, filed September 21, 2000; 09/668,068, filed September 25, 2000; 09/669,916, filed September 25, 2000; 09/672,948, filed September 29, 2000; 09/672,946, filed September 29, 2000; 09/672,947, filed September 29, 2000; 10/133,347, filed April 29, 2002; 10/133,364, filed April 29, 2002; 10/692,469, filed October 24, 2003; 10/693,526, filed October 27, 2003; 10/635,468, filed August 7, 2003; 10/690,297, filed October 27, 2003; 10/860,666, filed June 4, 2004; 10/782,411, filed February 20, 2004; 10/783,588, filed February 23, 2004; 10/773,811, filed February 9, 2004; 10/882,126, filed June 30, 2004; 10/885,572, filed July 7, 2004; 10/911,680, filed August 5, 2004; and 11/038,006, filed January 19, 2006.

2. The following is an examiner's statement of reasons for allowance:

This office action is in response to the RCE filed on 12/21/04 and the Terminal Disclaimer filed on 03/08/07. A double patenting issue (with copending application 10/133,364) was raised during the course of examination and applicant has filed the Terminal Disclaimer on 03/08/07. Further, references 2005/0084750, 2005/0058633 and 2005/0922922 filed on 12/19/05 are not considered and crossed out in PTO Form-1449 since they are deemed to be not related to the present application (authorization is given by Mr. Jeffrey R. Fillipek (Reg. No. 41,471) on 03/21/07).

Upon considering the supplemental IDS filed concurrently with and subsequently to the RCE dated 12/21/04, claims 16-19 are allowed for reason previously indicated.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dac V. Ha whose telephone number is 571-272-3040.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-3086. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'D. Ha', with a long horizontal flourish extending to the right.

Dac V. Ha
Primary Examiner
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